IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 524 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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ALLWIN CHEMICALS AND PHARMACEUTICALS

Versus

SHIVCHEM INDUSTRIES

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Appearance:

NANAVATI ASSOCIATES for Petitioner

MR AB MUNSHI for Respondent

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CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 03/10/2002

ORAL JUDGEMENT

1. The present Civil Revision Application is filed against an order dated 17.02.2000 passed by the learned Chamber Judge, Court No.17, at Ahmedabad below summons

for judgment in Summary Civil Suit No.1972 of 1996, whereby the defendant was directed to deposit the sum of Rs.50,000-00 within six weeks time towards the conditional leave and on deposit of such amount within the stipulated period, defendant is permitted to defend the suit on filing with written statement.

2. The impugned order is an interim order. Mr.A.B.Munshi, learned advocate appearing for the respondent has submitted that the decree has already been passed in Summary Civil Suit No.1972 of 1996. It is, therefore, submitted that looking to the amendment made in Section 115 of the Civil Procedure Code, the present Civil Revision Application is not maintainable and that in view of the decree having been passed in Summary Civil Suit No.1972 of 1996, the present Civil Revision Application has become infructuous.

3. It is, however, pointed out by the learned advocate for the petitioner that though the decree has already been passed in Summary Civil Suit No.1972 of 1996 an application was preferred for setting aside the ex-parte decree and stay has been granted by the learned City Civil Judge, Ahmedabad. In this view of the matter, the present Civil Revision Application has not become infructuous as contended by the learned advocate appearing for the respondent.

4. In any view of the matter, the Civil Revision Application is not maintainable having regard to the amendment made in Section 115 of the Civil Procedure Code. Rule discharged. No order as to costs.

[K. A. Puj, J.]

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